

Morgan Lewis

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October 26, 2022

VIA ECF

Honorable Frederic Block
United States District Court Judge
United States District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, New York 11201

Re: ***Oak Fin. Group v. Infinity Q Div. Alpha Fund, et al.***, No. 1:21-cv-03249-FB-MMH
("***Oak Financial***")

Dear Judge Block:

We represent Defendants Trust for Advised Portfolios ("TAP") and its officers Christopher E. Kashmerick, Russell B. Simon, and Steven J. Jensen in the above-referenced action.

We write on behalf of all parties in this action to inform the Court that on October 17, 2022, in a related putative class action pending in New York Supreme Court (the "State Action"),¹ Justice Andrew Borrok issued an Order granting preliminary approval to a Stipulation of Settlement ("Settlement") intended to resolve the State Action as well as a related federal class action, *In re Infinity Q Diversified Alpha Fund and Infinity Q Volatility Alpha Fund Securities Litigation*, Case No. 1:21-cv-01047-FB-MMH (E.D.N.Y.) (the "Federal Action"). The Preliminary Approval Order is appended to this letter as Exhibit A.

Pursuant to the terms of the Preliminary Approval Order, a settlement fairness hearing will be held on January 31, 2023. If approved, the Settlement would resolve the claims asserted in the State Action and the Federal Action. In addition, if approved, the Settlement would also resolve the claims in this case, unless plaintiffs here opt out of the Settlement. Plaintiffs are evaluating the Settlement and, under the Preliminary Approval Order, the deadline for shareholders to opt out of the Settlement is January 10, 2023.

In light of the Preliminary Approval Order, the parties respectfully request that the Court extend Defendants' time to submit a pre-motion to dismiss letter in the above-referenced action

¹ *In re Infinity Q Div. Alpha Fund Secs. Litig.*, No. 651295/2021 (N.Y. Sup. Ct., Comm. Div. filed Feb. 24, 2021).

Morgan, Lewis & Bockius LLP

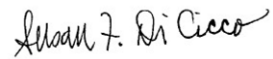
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to thirty days after the determination of whether the Settlement is approved. At that time, the parties will be in a position to advise the Court whether this litigation is resolved or will continue.

Respectfully submitted,

A handwritten signature in black ink, reading "Susan F. DiCicco". The signature is written in a cursive, flowing style.

Susan F. DiCicco

cc: All counsel of record via ECF in *Oak Financial*